



GODDARD SPACE FLIGHT CENTER

GSFC SOFTWARE PUBLIC DISCLOSURE EXPORT CONTROL CHECKLIST

Title of Software:

The GSFC Export Control Office (Code 232) requests your assistance in assuring that your proposed disclosure of NASA software complies with applicable export control laws and regulations. The NASA Export Control Program requires that the external release of GSFC software be reviewed for export control considerations in accordance with the Export Administration Regulations (EAR, 15 CFR 730-774), the International Traffic in Arms Regulations (ITAR, 22 CFR 120-130), and NASA Policy Directive 2210.1 along with NASA Procedures and Guidelines 2210.1, both entitled External Release of NASA Software. Release of NASA software into a public forum may provide countries with interests adverse to the U.S. with access to NASA technology. Failure to comply with the ITAR and/or the EAR may subject individuals to fines of up to \$1 million and/or up to ten years imprisonment per violation. **This checklist cannot be used if the dissemination of software is limited in any manner, such as through distribution to specific companies or organizations as a result of contracts, or licensing agreements. The following process cannot be utilized for the public release of source code or encrypted software.**

Generally, the export of software pertaining to the design, development, production, manufacture, assembly, operation, repair, testing, maintenance or modification of defense articles (e.g., space flight hardware, ground tracking systems, launch vehicles to include sounding rockets and meteorological rockets, radiation hardened hardware and associated hardware and engineering units for these items) are controlled by the State Department under the ITAR. The export of software with respect to ground based sensors, detectors, high-speed computers, and "dual use" (military/commercial) technology items are controlled by the Commerce Department under the EAR. A complete listing of items covered by the ITAR and the EAR can be accessed at <http://export.gsfc.nasa.gov>. If the software intended for release falls within the above categories but fits into one or more of the following exemptions, the information may be released.

EXEMPTION I – Public domain information

If your software is already in the public domain in its entirety through a non-NASA medium and/or through a NASA release previously approved by any NASA Export Control Office, the information is exempt from further review. If the information falls into this category, you may attest that you are using this exemption by signing below.

Print Name and Code

Signature

Date

EXEMPTION II – Scientific data

If your software is utilized for the development or display of scientific data (e.g., data pertaining to studies of clouds, soil, vegetation, oceans, planets, stars, galaxies, and the universe) without the disclosure of information pertaining to articles controlled by the ITAR or EAR, such flight instruments, high-speed computers, or launch vehicles, the software is exempt. If the software falls into this category, you may attest that you are using this exemption by signing below.

Print Name and Code

Signature

Date

EXEMPTION III – Technical data

If your software does not fall within the exemptions listed above, the software might be releasable using exemption 22 CFR 125.4(b)(13) of the ITAR. Use of this exemption is afforded only to agencies of the Federal Government and allows for the release of ITAR controlled software into the public domain. The GSFC Export Control Office will approve this exemption only after receiving assurance that such release is a responsible action. The following guideline has been established regarding the use of this authority: The software may not offer specific insight into the design, development, production or manufacture of an identified ITAR controlled item (reference paragraph 2 above) in sufficient detail (by itself or in conjunction with other information in the public domain) to allow potential adversaries to replicate the item, or exploit or defeat controlled U.S. technologies. If you determine that you have met these criteria, you may attest your determination by signing below, and the GSFC Export Control Office will offer favorable consideration.

Print Name and Code

Signature

Date